

Message Text

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ACTION SS-25

INFO OCT-01 ADP-00 /026 W

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P R 291645Z AUG 73

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 9196

INFO AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY TOKYO

AMEMBASSY SEOUL

C O N F I D E N T I A L USUN 3014

EXDIS

E.O. 11652: GDS

TAGS: PFOR KS KN UN

SUBJ: KOREA IN 28TH UNGA: WORKING GROUP (WG) MEETING AUG 28

REF: A) USUN 3000 B) USUN 3001 C) USUN 2989

1. WG MET AUG 28 TO PREPARE FINAL AGENDA FOR AUG 29 MEETING OF WG HEADS OF MISSION AND TO PLAN FOR AUG 31 CO-SPONSORS MEETING IF INSTRUCTIONS PERMIT.

2. WESTON (UK) REPORTED LONDON FULLY AGREES TO REFTEL B DRAFT RES AND WOULD LIKE TO HAVE AS MANY EEC COUNTRIES AS POSSIBLE PRESENT AT AUG 31 MEETING. WG AGREED THAT IN ADDITION TO BELGIUM, NETHERLANDS AND LUXEMBOURG, UK WOULD ALSO EXPLORE POSSIBLE WILLINGNESS OF ITALY AND IRELAND TO ATTEND CO-SPONSORS MEETING. CAMPBELL (AUSTRALIA) REPORTED CANBERRA HAS GIVEN FINAL AGREEMENT TO REFTEL B TEXT AND PREFERS CONTINGENCY NUMBER ONE LANGUAGE ON UNC. OHTAKA (JAPAN) SAID HE STILL HAS NO INSTRUCTIONS BUT EXPECTS TO RECEIVE THEM PRIOR TO AUG 29 MEETING. WE REPORTED WE HAD NO FURTHER INSTRUCTIONS ON DRAFT RESOLUTION TEXT.

3. MISOFF (ROSENSTOCK) REPORTED TO WG AUG 28 CONVERSATION WITH JOHN SCOTT (ACTING DIRECTOR, UN GENERAL LEGAL DIVISION)
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AND JEAN GAZARIAN (OFFICE OF GA AFFAIRS) TO CLARIFY UNSEC

POSITION ON QUESTIONS RELATING TO OUR DESIRE TO OBTAIN PRIORITY FOR OUR RESOLUTION. BOTH SCOTT AND GAZARIAN, FROM WHOSE UNSEC DIVISIONS WE EARLIER HAD RECEIVED CONFLICTING VIEWS (REFTEL C), STATED THEIR AGREEMENT NOW THAT THE ONLY WAY WE COULD ESTABLISH CLAIM FOR PRIORITY FOR OUR RESOLUTION WOULD BE TO SUBMIT OURS IMMEDIATELY (AND BEFORE OPPOSITION SUBMITS HOSTILE RESOLUTION) AFTER PLENARY INSCRIBES AND ALLOCATES PROVISIONAL AGENDA ITEMS 40 AND 41. SCOTT SAID EARLIER CONFLICT IN SECRETARIAT VIEWS HAD ARISED BECAUSE RULES COULD BE READ TO PERMIT SECRETARIAT TO RECEIVE (WITH CLAIM TO PRIORITY) A RES BEFORE PLENARY VOTES TO INSCRIBE AND ALLOCATES ITEMS. UN PRACTICE, HOWEVER, HAS BEEN TO REFUSE TO ACCEPT RES UNTIL AFTER INSCRIPTION AND ALLOCATION. SCOTT AND GAZARIAN ALSO SAID THAT LAST YEAR'S OPPOSITION RES NOT CONSIDERED TO BE ON 28TH GA AGENDA BECAUSE 27TH PLENARY HAD DEFERRED TWO KOREAN ITEMS TO 28TH. LAST YEAR'S OPPOSITION RESOLUTION HAD LOST ITS CONNECTION TO OPPOSITION ITEM WHEN THAT ITEM WAS DEFERRED.

4. SCOTT AND GAZARIAN AGREED THAT ONLY EXCEPTION TO THIS PRACTICE IS WHEN NEW ITEM (AS OPPOSED TO PREVIOUSLY DEFERRED ITEM) IS INSCRIBED AND ALLOCATED BY PLENARY. RULES OF PROCEDURE PERMIT RES TO BE CIRCULATED AT SAME TIME AS REQUEST FOR INCLUSION OF NEW ITEM. WHEN NEW ITEM INSCRIBED AND ALLOCATED BY PLENARY, THE ACCOMPANYING RESOLUTION SIMULTANEOUSLY ACHIEVES PRIORITY UNDER THAT ITEM. NEWLY INSCRIBED ITEM WOULD BE ADDED TO AGENDA FOLLOWING ITEMS THAT HAD FIRST APPEARED ON PROVISIONAL AGENDA. RESOLUTION ACCOMPANYING NEW ITEM, WHILE IT WOULD HAVE PRIORITY UNDER NEW ITEM, WOULD NOT HAVE ANY CLAIM TO PRIORITY UNDER AGENDA ITEMS THAT HAD BEEN DEFERRED FROM PREVIOUS GA. THUS WE AND DPRK SUPPORTERS, UNDER THIS SECRETARIAT INTERPRETATION, SEEM PRESENTLY TO BE IN IDENTICAL POSITIONS: NOT ABLE TO ESTABLISH CLAIM TO PRIORITY UNTIL PLENARY ACTS ON AGENDA (AND QUESTION WILL BE RESOLVED IN FAVOR OF COMPETING SIDE THAT FIRST SUBMITS RESOLUTION TO FIRST COMMITTEE SECRETARY AFTER PLENARY ACTS). SCOTT SAID THAT FINAL DECISION WOULD BE MADE BY LEGAL COUNSEL STAVROPOULOS, TO WHOM SCOTT AND GAZARIAN WILL MAKE RECOMMENDATION ALONG ABOVE LINES, UPON HIS RETURN FROM NEW YORK SEPT 3 OR 4. THEY EXPECT STAVROPOULOS TO CONFIRM THEIR RECOMMENDATION. IF STAVROPOULOS DOES CONFIRM, THEN REMAINING RISK OF

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CONTRARY RULING WOULD ARISE PRINCIPALLY FROM ACTION BY GA PRESIDENT AND/OR PROCEDURAL VOTE. (WE PLAN TO SEE STAVROPOULOS AS SOON AS HE RETURNS EARLY NEXT WEEK.)

5. IN LIGHT OF THIS REPORT, WG CONCLUDED THAT AT THIS POINT ONE PROCEDURAL FACTOR CONTRIBUTING TO NEED FOR EARLY FORMAL CIRCULATION OF OUR RES IS REDUCED IN IMPORTANCE: RISK OF LOSING PRIORITY BY SOME DELAY IN FORMALLY SUBMITTING RES TO

UN HOPEFULLY IS LESSENED. HOWEVER, WG AGREED AT SAME TIME
THAT ADVANTAGES OF APPEARING TO HAVE INITIATIVE AND OF BEING
ABLE TO PRESENT SPECIFIC LANGUAGE TO UN MEMBERSHIP CONTINUE
TO ARGUE STRONGLY FOR COMPLETING AGREEMENT ON RES AHEAD OF
OPPOSITION, PRESENTING TO COSPONSORS AND INITIATING LOBBYING
ON SPECIFIC LANGUAGE AS SOON AS POSSIBLE.
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